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STATUTORY INSTRUMENTS

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**2010 No. 591**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010

<i>Made</i>	- - - -	<i>3rd March 2010</i>
<i>Laid before Parliament</i>		<i>9th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 17 and 66 of the Children Act 2004(1):

**Citation and commencement**

1. These Regulations may be cited as the Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010 and shall come into force on 1st April 2010.

**Interpretation**

2. In these Regulations—

“the Act” means the Children Act 2004;

“appropriate diocesan authority”, “Church of England school” and “Roman Catholic Church school” have the same meanings as in section 142(1) of the School Standards and Framework Act 1998(2);

“Board” means a Children's Trust Board established by virtue of arrangements under section 10 of the Act;

“Board partners” means the persons or bodies represented on the Board(3);

“establishing authority” means (subject to regulation 9) the local authority in England which established the Board;

“plan” has the meaning given in regulation 3;

“plan period” has the meaning given in regulation 3;

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(1) [2004 c.31](#); section 17 was substituted by section 194(3) of the Apprenticeships, Skills, Children and Learning Act 2009 ([c.22](#)) (“the 2009 Act”).

(2) [1998 c.31](#); section 142(1) was amended by [S.I. 2003/2037](#).

(3) Which will include any persons or bodies included under section 12A(3) of the Act. Section 12A(3) was inserted by section 194(2) of the 2009 Act.

“relevant partner” has the same meaning as in section 10 of the Act<sup>(4)</sup>.

### **Requirement to prepare and publish a plan**

**3.—**(1) Each Board must, in accordance with these Regulations, prepare and publish a children and young people’s plan setting out the strategy of the Board partners for co-operating with each other with a view to improving the well-being of children and relevant young persons in the area of the establishing authority so far as relating to—

- (a) physical and mental health and emotional well-being;
  - (b) protection from harm and neglect;
  - (c) education, training and recreation;
  - (d) the contribution made by them to society; and
  - (e) social and economic well-being
- (referred to in these Regulations as “the outcomes”) (‘plan’).

(2) Each Board must set out in any plan the period to which the plan is to relate (‘the plan period’).

### **Matters to be dealt with in the plan**

**4.—**(1) Each plan must, in particular—

- (a) include an assessment of the needs of children and relevant young persons in the area of the establishing authority so far as relating to the outcomes (‘the needs assessment’);
- (b) identify the key actions (as identified by the needs assessment) planned to be taken to improve the outcomes for children and relevant young persons in the area of the establishing authority with reference in particular to children and relevant young persons who—
  - (i) have special educational needs within the meaning of section 312 of the Education Act 1996<sup>(5)</sup>;
  - (ii) are disabled within the meaning of section 1 of the Disability Discrimination Act 1995<sup>(6)</sup>; or
  - (iii) are looked after by a local authority (within the meaning of section 22 of the Children Act 1989<sup>(7)</sup>); and
- (c) set out the arrangements made by the Board partners for co-operating with each other, in particular the arrangements set out in paragraph (2).

(2) The arrangements referred to in paragraph (1)(c) are arrangements relating to—

- (a) early intervention and preventative action;
- (b) co-ordinating provision of services for children and relevant young persons and adults within their families with a view to improving the well-being of such children and relevant young persons;
- (c) reducing, and mitigating the effects of, child poverty in the establishing authority’s area;

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(4) Section 10 was amended by section 193 of the 2009 Act.

(5) 1996 c.56; section 312 was amended by Schedule 7, paragraph 23(a) and (b), and Schedule 8 to the Education Act 1997 (c.44); Schedule 30, paragraph 71(a) and (b), and Schedule 31 to the School Standards and Framework Act 1998 (c.31) (“the 1998 Act”); Schedule 9, paragraphs 1 and 56 to the Learning and Skills Act 2000 (c.21); Schedule 1, paragraphs 2 and 3 to the Education and Inspections Act 2006 (c.40). Further amendments made to section 312 by Schedule 2, paragraphs 1, 6(1), (2) and (3) to the 2009 Act will have effect from 1 September 2010 (S.I. 2010/303).

(6) 1995 c.50.

(7) 1989 c.41; section 22(1) was amended by Schedule 5, paragraph 19 to the Local Government Act 2000 (c.22); section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c.35) and section 116(2) of the Adoption and Children Act 2002 (c.38).

- (d) improving the behaviour of children and relevant young persons in the area of the establishing authority, and attendance of pupils (whether full-time or part-time) at school which must, in particular, (in the case of secondary schools) take into account the partnership reports submitted to the Board under section 248(3) of the Apprenticeships, Skills, Children and Learning Act 2009;
- (e) safeguarding and promoting the welfare of children and relevant young persons which must, in particular, take into account the report submitted to the Board by the Local Safeguarding Children Board<sup>(8)</sup> for the area of the establishing authority under section 14A(2)<sup>(9)</sup> of the Act;
- (f) contributing towards achieving any targets that relate to the area of the establishing authority and are set under regulations made under—
  - (i) section 102 of the Education Act 2005<sup>(10)</sup> (LEA performance targets);
  - (ii) section 19 of the Education Act 1997<sup>(11)</sup> (school performance targets);
  - (iii) section 1(3) of the Childcare Act 2006<sup>(12)</sup> (local authority well-being of young children targets); and
  - (iv) section 9A of the Act<sup>(13)</sup> (safeguarding targets);
- (g) contributing towards achieving any local improvement targets (within the meaning of section 105 of the Local Government and Public Involvement in Health Act 2007<sup>(14)</sup>) insofar as they relate to children and relevant young persons and are specified by the establishing authority in its local area agreement pursuant to section 106 or 110 of that Act; and
- (h) the training and development of persons working with children and relevant young persons in the area of the establishing authority in order to deliver the key actions referred to in paragraph (1)(b), and the arrangements required by paragraph (2)(a) to (g).

### **Matters to be taken into account**

5.—(1) When preparing, reviewing or revising a plan, the Board must have regard to the importance of acting, so far as possible, in a way which is compatible with the United Nations Convention on the Rights of the Child.

(2) In paragraph (1) the reference to the United Nations Convention on the Rights of the Child is to the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989, subject to any reservations, objections or interpretative declarations made by the United Kingdom at any time and for the time being in force.

### **Timing and manner of publication of the plan**

6.—(1) The Board must publish the first plan on or before 1st April 2011 and each subsequent plan no later than 6 weeks after the end of the plan period for the previous plan.

(2) The Board must publish each plan by—

- (a) placing it on the website of the establishing authority and any Primary Care Trust that is a relevant partner of that authority;
- (b) placing it on the website of any other Board partner as the Board considers appropriate; and

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<sup>(8)</sup> Established under section 13 of the Act.

<sup>(9)</sup> Section 14A was inserted by section 197 of the 2009 Act.

<sup>(10)</sup> 2005 c.18.

<sup>(11)</sup> Section 19 was amended by Schedule 30, paragraph 213 to the 1998 Act.

<sup>(12)</sup> 2006 c.21.

<sup>(13)</sup> Section 9A was inserted by section 195(1) of the 2009 Act.

<sup>(14)</sup> 2007 c.28.

- (c) depositing sufficient copies of the plan to allow members of the public to take a copy in such public libraries and other places to which the public have access in the area of the establishing authority as the Board considers appropriate.

### Consultation during the preparation of the plan

- 7.—(1) When preparing the plan the Board must consult—
- (a) such persons or bodies that the establishing authority has made arrangements with to promote co-operation under section 10(1)(c) of the Act and who are not also Board partners;
  - (b) any relevant partners who are prescribed in regulations made under section 12A(4) of the Act and who are not Board partners;
  - (c) such children, relevant young persons and their families in the area of the establishing authority as the Board considers appropriate;
  - (d) such persons or bodies representing children, relevant young persons or families as the Board considers appropriate;
  - (e) the Local Safeguarding Children’s Board for the area of the establishing authority;
  - (f) any advisory board for a Sure Start Children’s Centre(15) in the area of the establishing authority;
  - (g) such persons or bodies in the establishing authority’s area, in particular those from the private, voluntary or independent sector, providing or commissioning services relating to children, relevant young persons, families or carers as the Board considers appropriate;
  - (h) the appropriate diocesan authority for any foundation or voluntary school situated in the area of the establishing authority which is a Church of England or Roman Catholic Church school;
  - (i) such other faith groups as the Board considers appropriate;
  - (j) the proprietors of independent schools (within the meaning of section 463 of the Education Act 1996(16)) in the area of the establishing authority;
  - (k) the schools forum(17) for the area of the establishing authority;
  - (l) the admission forum(18) for the area of the establishing authority;
  - (m) the proprietors of independent specialist colleges in the area of the establishing authority;
  - (n) such groups of persons representing local communities in the establishing authority’s area as the Board considers appropriate;
  - (o) such registered providers of social housing in the establishing authority’s area as the Board considers appropriate; and
  - (p) such partner authorities specified in section 104(2) and (3) of the Local Government and Public Involvement in Health Act 2007(19) who exercise functions or provide services within the area of the establishing authority as the Board considers appropriate.

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(15) See section 5A of the Childcare Act 2006; advisory boards are referred to in section 5C of that Act. Sections 5A and 5C were inserted by section 198 of the 2009 Act.

(16) Section 463 was substituted by section 172 of the Education Act 2002 (c.32) (“the 2002 Act”).

(17) Established in accordance with regulations made under section 47A of the 1998 Act, which was inserted by section 43 of the 2002 Act. Section 47A(1) was substituted by section 165(1) and (2) of the Education and Skills Act 2008 (c.25).

(18) Established in accordance with regulations made under section 85A of the 1998 Act. Section 85A was inserted by section 46 of the 2002 Act.

(19) Section 104(2) was amended by Schedule 4, Part 4, paragraph 68 to the Local Transport Act 2008 (c.26) and Schedule 6, paragraphs 1 and 3 to the Local Democracy, Economic Development and Construction Act 2009 (c.20).

(2) If before the day on which these Regulations come into force any consultation was undertaken which, if it had been undertaken after that day would to any extent have satisfied the requirements of paragraph (1), those requirements will to that extent be taken to have been satisfied.

### **Review of the plan**

8.—(1) Where the plan period exceeds a year or more the Board must review its plan each year in which the Board is not required to publish a plan.

(2) When reviewing the plan the Board must consult such persons or bodies as it considers appropriate.

(3) Following any review of the plan the Board must, if it considers it is necessary, revise the plan and publish it in accordance with regulation 6(2).

### **Transitional provision**

9.—(1) Until a section 162(1)(b) order comes into force the reference to a “local authority” in the definition of “establishing authority” in regulation 2 is to be read as a reference to a children’s services authority.

(2) In paragraph (1) “section 162(1)(b) order” means an order under subsection (1) of section 162 of the Education and Inspections Act 2006 containing provision made by virtue of paragraph (b) of that subsection (power to replace statutory references to children’s services authorities with references to local authorities).

3rd March 2010

*Dawn Primarolo*  
Minister of State  
Department for Children, Schools and Families

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for each Children’s Trust Board (“Board”) to prepare, consult upon, publish and review a children and young people’s plan (“plan”). The plan sets out the Board partners’ strategy for co-operating with each other with a view to improving the well-being of local children and relevant young persons.

Regulation 4 sets out the matters which must be included in the plan.

The Board when preparing, reviewing or revising the plan must have regard to the importance of acting, so far as possible, in a way which is compatible with the United Nations Convention on the Rights of the Child (regulation 5).

The first plan is to be published on or before 1st April 2011, and then each subsequent plan must be published no later than 6 weeks after the end of the last plan period (which is the period to which the plan is to relate and is determined by the Board). Regulation 6(2) provides for the way in which the plan must be published.

The Board must consult the persons and bodies set out in regulation 7 when preparing the plan. Under regulation 8 the Board is also required to review and if necessary revise the plan in each year that it is not required to publish a new plan, with provision for further limited consultation during the conduct of such a review.

Regulation 9 is a transitional provision to allow for these Regulations to refer to a children’s services authority as a local authority prior to the anticipated coming into force of an order under section 162(1)(b) of the Education and Inspections Act 2006, which will replace any references in legislation to children’s services authorities with references to local authorities.

A full regulatory impact assessment of the effect that this instrument will have on the costs of businesses and the voluntary sector is available from the Department for Children, Schools and Families, Sanctuary Buildings, Great Smith Street, London SW1P 3BT and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.